

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TEXARKANA DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

DEC 22 2004

DAVID J. MALAND, CLERK  
BY  
DEPUTY \_\_\_\_\_

UNITED STATES OF AMERICA

\*

VS.

\* CR. NO. 5:04-CR-25

JAMES NAPLES

\*

ELEMENTS OF THE OFFENSE

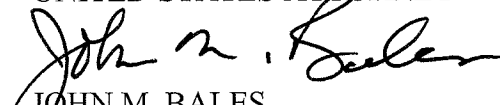
You are charged in Count I of the Information with Conspiracy to Commit an Offense Against the United States in violation of Title 18, United States Code, Section 371.

The essential elements which must be proven to establish the Section 371 offense are:

1. That a criminal conspiracy or agreement existed, that is that you and one other person made an agreement to commit the crime of obstruction of justice.
2. That you knowingly and intentionally became a member of and participated in the conspiracy.
3. That during the existence of the conspiracy, you or one of the other conspirators committed at least one of the overt acts described in the Information in order to accomplish some object or purpose of the conspiracy.

The count carries a maximum sentence of five years of imprisonment. No other evidence is known that will change the maximum sentence.

MATTHEW D. ORWIG  
UNITED STATES ATTORNEY

  
JOHN M. BALES  
ASSISTANT U. S. ATTORNEY